

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

ELSMERE PARK CLUB, L.P.,  
a Delaware limited partnership,

Plaintiff,

v.

TOWN OF ELSMERE, a Delaware  
municipal corporation, ELLIS  
BLOMQUIST, EUGENE BONEKER,  
and JOHN GILES,

Defendants.

Civil Action No. 04-1321 (SLR)

**DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE EXPERT  
REPORT AND TESTIMONY OF DAVID J. WILK**

For the reasons set forth in the accompanying brief, the Defendants hereby move for an Order in the form attached hereto excluding the expert report and related testimony of Plaintiff's expert, David J. Wilk, at trial.

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Counsel for Defendants Town of Elsmere,

Ellis Blomquist, Eugene Boneker & John Giles

Dated: September 22, 2005

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**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2005, upon review of Defendants' Motion *in Limine* to Exclude the Expert Report and Testimony of Plaintiff's Expert David J. Wilk, it is hereby ORDERED that the Defendants' Motion is GRANTED and Plaintiffs are hereby precluded at trial from making any reference to, or offering any evidence regarding, the expert report of David J. Wilk.

\_\_\_\_\_  
, J.

**CERTIFICATE OF SERVICE**

I hereby certify that on the 22<sup>nd</sup> day of September, 2005, I electronically filed the foregoing document, **DEFENDANTS' MOTION IN LIMINE TO EXCLUDE THE EXPERT REPORT AND TESTIMONY OF DAVID J. WILK AND PROPOSED ORDER**, with the Clerk of the Court using CM/ECF which will send notification of such filing to the following:

David S. Eagle, Esquire  
Patrick A. Costello, Esquire  
Klehr, Harrison, Harvey, Branzburg & Ellers LLP  
919 Market Street, Suite 100  
Wilmington, DE 19801-3062

MORRIS, JAMES, HITCHENS & WILLIAMS LLP

Handwritten signatures of Edward M. McNally and Liza H. Sherman in black ink, positioned above a horizontal line.

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